

Minutes of the City Commission's December 19, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Tim Emert, Vice-Mayor Scott Smith and Commissioner Dean Hayse

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Cole Hoffmeister, City Attorney; David Schwenker, City Clerk/City Treasurer; Aaron Cook, Fire Chief; April Nutt, Director of Housing Authority; Dustin Stafford, Chief of Police; Dustin Burdett, Police Officer and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Breanne Sanford, Chris Canales and Cristy Campbell.

A. Call to Order

Mayor Emert called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission amended the agenda so that the Executive Session for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship is before the Public Hearings and after the Consent Agenda, and removed the Executive Session for data relating to financial affairs or trade secrets of second parties from the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. PRESENTATIONS

A. Introduction and swearing-in of Independence Police Department's new officer, Dustin Burdett.

Dustin Burdett was selected to serve the citizens of Independence as a police officer. He grew up in Northwest Oregon and relocated to Southeast Kansas in 2016. Burdett started his law enforcement career in 2022 at the City of Caney. Burdett believes that public service is a calling, and he is excited to

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continue his career with the Independence Police Department and the great community we serve.

City Clerk Schwenker swore in Officer Burdett.

III. CONSENT AGENDA

Motion:

On the motion of Scott Smith, seconded by Dean Hayse the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

A. Consider purchasing water treatment chemicals for 2025.

Annually, chemicals for the Water Treatment Plant are bid. The bid tab for all chemicals is attached. Only two chemicals are projected to require Commission approval for purchase (purchases over \$25,000), liquid chlorine and potassium permanganate.

This year, three bids were received for supplying liquid chlorine. The low bid was from Brenntag Southwest, Inc., at \$2,050 per ton. Based on past use, this would equate to an annual purchase of approximately \$46,125.

The Brenntag bid was 11% lower than the nearest alternative, and was 15% lower than last year's low bid.

Four bids were received for supplying potassium permanganate. The low bid was from Chemrite Incorporated, at \$2.35 per pound. Based on past use, this would equate to an annual purchase of approximately \$43,475.

The Chemrite bid was 16% lower than the nearest alternative, and was 18% lower than last year's low bid.

Suggested Motion:

I move to authorize the purchase of liquid chlorine from Brenntag Southwest, Inc., and potassium permanganate from Chemrite Incorporated.

B. Consider an ordinance amending previous boundary ordinances and establishing the legal boundaries for the City of Independence

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Annually, the City is required by the State of Kansas to update the City Boundary if changes have been made. It is anticipated that, working in conjunction with the County, an amended version may be filed in 2025 that more completely meets the needs of the County.

Suggested Motion:

I move to adopt an ordinance amending previous boundary ordinances and establishing the legal boundaries.

- C. Consider revising the Capital Improvement Plan for submittal to the Federal Aviation Administration.**

Annually the City works with Lochner to prepare and provide a Capital Improvement Plan (CIP) to the Federal Aviation Administration (FAA).

This plan is a requirement of the FAA for funding future work at the Independence Municipal Airport. Attached is the recommended CIP update to file with the FAA. The primary change from previous CIP is that Runway 4-22 has been observed to be deteriorating, and a pavement rehabilitation project is requested in federal fiscal year 2026 which will require additional funding from FAA discretionary funds. This CIP will request those funds for the runway rehabilitation.

Suggested Motion:

I move to amend the Capital Improvement Plan for submittal to the Federal Aviation Administration.

- D. Consider adopting an ordinance approving the appropriations for 2025 authorized expenditures.**

The purpose of this ordinance is to allow for transactions to be fully processed through to payment in a timely manner, up to the budgeted authority in each fund or as otherwise previously authorized by Commission approved contract. Approving one ordinance authorizing payment up to previously approved amounts will allow for a more streamlined process as it will save staff time re-preparing ordinances, as well as allow the City to pay its vendors, reconcile accounts, and operate in a more efficient manner. In addition to accounts payable, this will also allow for the processing of payroll. All payment records may still be provided to the Commission as a report on a monthly basis at either the first or second monthly Commission meeting. As always, procurement policies must also be followed.

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Suggested Motion:

I move to adopt Ordinance 4476, approving appropriations for 2025 authorized and budgeted expenditures.

- E. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

Each year the Commission adopts a resolution exempting the City from all requirements of GAAP. The GAAP requirement provides for a fixed asset accounting system in lieu of just an inventory system, as well as other financial reporting requirements. This action is taken based on past recommendations of the auditors that the GAAP requirements would cost the City additional funds to prepare the City audit and would not provide any additional benefit to the City.

Suggested Motion:

I move to adopt Resolution No. 2024-052, waiving the requirements of K.S.A. 75-1120a(a) as they apply to the City of Independence, Kansas for the year ended December 31, 2025.

- F. Consider approving a resolution establishing functional classification of roadways for the KDOT and the FHWA.

Every decade after the completion of the Census, KDOT reviews the functional classification of roadways at the request of the Federal Highway Administration (FHWA). The most recent map known contains the functional classifications dating from July 31, 2003.

Suggested Motion:

I move to approve Resolution Number 2024-053 defining the functional classification of roadways as requested by KDOT.

- G. Consider authorizing the financing of a remounted ambulance.

On March 23, 2023 the Commission approved the remounting of the ambulance box on a new E450 2024 chassis by Osage Ambulance for \$196,075.17. The City has budgeted this as a lease-purchase arrangement.

Suggested Motion:

I move to authorize a 5-year lease-purchase agreement with Commercial Bank.

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H. Consider approving the following Cereal Malt Beverage licenses:

1. William Matthew Cox DBA Dueces Tavern, LLC 112 S. 25th, Independence KS 67301
2. Matthew Kent DBA Gramps Tavern 811 N. 11Th, Independence KS 67301
3. Pete's Independence 401. W Main, Independence KS 67301
4. Akas 1 LLC 3024 W. Main, Independence KS 67301
5. Walmart #2893 121 Peter Pan, Independence KS 67301
6. Casey's General Store #1814 1305 N Penn, Independence KS 67301
7. DG Retail, LLC 1210 East Main Independence KS 67301
8. G &W 2 LLC 416 W Myrtle Independence KS 67301

This is an annual license renewal for businesses who wish to sell cereal malt beverages.

Suggested Motion:

I move to approve the Cereal Malt Beverage licenses as presented.

X. EXECUTIVE SESSION

A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at KSA 75-4319(b)(2). The open meeting will resume at 5:44 pm.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 5:44 pm.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at KSA 75-4319(b)(2). The open meeting will resume at 5:55 pm.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 5:55 pm with no action taken.

- B. Data relating to financial affairs or trade secrets of second parties.

This item was removed from the agenda.

IV. PUBLIC HEARINGS

- A. Public Hearing to consider the condemnation of 621 N. 17th Street as dangerous and unsafe.

The City has received complaints from neighbors regarding the condition and activity at this location. The structure has been identified as vacant and without utilities for 12 years. The property was sold at a tax sale, and the new owner has not contacted City staff. Staff recommends declaring the property as condemned, dangerous, and unsafe if the owner fails to provide a timeline for repairs.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 621 N. 17th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Public Hearing to consider the condemnation of 301 S. 14th Street as dangerous and unsafe.

The structure at 301 S. 14th has been vacant and without utilities for seven years. The exterior of the structure is in poor condition, with issues involving the roof, doors, and windows, and the structure remains unsecured. The City has not received any communication from the owner regarding the property or the condemnation process. City staff recommends declaring the structure as dangerous and unsafe, warranting condemnation.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted a resolution condemning 301 S. 14th Street as dangerous and

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unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Public Hearing to consider the condemnation of 309 S. 2nd Street as dangerous and unsafe.

City staff was alerted to this structure by neighbors, and it has been without utilities for seven years. The exterior and roof of the structure appear to be in disrepair, and the owner has not communicated with City staff regarding their intentions for the property. An Ownership and Encumbrance (O&E) report indicates the property has been delinquent since 2020. City staff recommends condemnation, deeming the property dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 309 S. 2nd Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- D. Public Hearing to consider the condemnation of 1112 W. Main Street as dangerous and unsafe.

The City has received complaints about the boarded-up structure at 1112 W. Main Street and the deteriorated condition of its exterior. The structure has been without utilities for 12 years, and its exterior is in poor condition, with some doors and windows boarded up while others remain open. Portions of the exterior siding are missing, and the foundation appears to be in poor condition. The City has not received any communication from the property owner regarding their intentions for this structure.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted a resolution condemning 1112 W. Main Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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- E. Public Hearing to consider the condemnation of 911 W. Pine Street as dangerous and unsafe.

The structure at 911 W. Pine Street has been the subject of complaints from neighbors and has been identified as vacant and without utilities for 10 years. The property owner, who resides in Florida, has been in contact with City staff regarding the property. While the owner initially expressed interest in restoring the structure, they have since determined that restoration is cost-prohibitive and that demolition is necessary. The owner has expressed a desire to donate the property to the Land bank, and this information has been forwarded to April Nutt.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 911 W. Pine Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- F. Public Hearing to consider the condemnation of 817 W. Cottonwood Street as dangerous and unsafe.

The structure at 817 W. Cottonwood has been identified as vacant and without utilities for 10 years. The property is now owned by Santos Gonzales, who acquired it through a tax sale and has been in contact with City staff regarding his plans to rehabilitate the structure. City staff recommends that the commission approve the building inspector's continued work with Mr. Gonzales to facilitate the rehabilitation process of the residence

Motion:

On the motion of Dean Hayse, seconded by Scott Smith the Commission adjourned the Public Hearing on the condemnation of 817 W. Cottonwood Street to March 27, 2025, at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- G. Public Hearing to consider the condemnation of 2100 W. Myrtle Street as dangerous and unsafe.

The City of Independence has received numerous complaints regarding this structure, as well as associated activity and nuisances. The structure has been

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without utilities for seven years and is deemed dangerous and unsafe, with large holes in the trailer and debris scattered throughout the yard. The City has not received any communication from the property owner.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 2100 W. Myrtle Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- H. Public Hearing to consider the condemnation of 228 S. Earl Street as dangerous and unsafe.

The structure at 228 S. Earl has been the subject of nuisance violations and building code issues for several years. The current owner has been in contact with City staff regarding the condition of the property and indicated plans to explore options for either starting repairs or selling the property before the December 19th public hearing.

City staff recommends condemnation, deeming the structure dangerous and unsafe, and the owner has 30 days to provide a timeline for repairs or the removal of the structure.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopt a resolution condemning 228 S. Earl Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- I. Public Hearing to consider the condemnation of 617 N. 16th Street as dangerous and unsafe.

The structure at 617 N. 16th was brought to the City's attention by neighbors and has been without utilities for eight years. The owner, Rusty Russell, addressed the Commission in October, stating that his original intention was to purchase the structure for his daughter. However, due to ongoing vandalism, the structure is now beyond salvageable condition.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission condemned 617 N. 16th as dangerous and unsafe.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- J. Public Hearing to consider the condemnation of 1100 W. Chestnut as dangerous and unsafe.

The structure at 1100 W. Chestnut has been the subject of numerous complaints from neighbors regarding transient activity, parties, and nuisance issues. The property was sold at a tax sale and purchased by an owner from California. The owner has since relocated to Independence and is now residing in the structure adjacent to 1100 W. Chestnut.

The owner invited City staff to review the condition of 1100 W. Chestnut, and the building inspector has determined that the structure should be demolished. The recommendation is based on several factors, including the failure of the foundation, the collapse of the back portion of the structure, extensive water damage, and the poor condition of the roof. The house has been deemed uninhabitable.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adjourned the Public Hearing on the condemnation of 1100 W. Chestnut Street to March 27, 2025, at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- K. Public Hearing to consider the condemnation of 212 S. Earl Street as dangerous and unsafe.

The residence at 212 S. Earl sustained significant damage in a structure fire on October 17, 2024. The property owner has been cooperative with the City of Independence, and the structure was insured. The City received insurance proceeds to cover the cost of removing the structure.

Two quotes were obtained for the removal, with the lowest quote coming from JRB Industries at \$6,250.00. The structure has since been removed, and the lot has been cleared of all debris.

Although a resolution condemning this property was not adopted, a resolution was filed with the Register of Deeds when the property was initially scheduled for a public hearing. To ensure no documents remain that

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could cloud the property title, it is recommended that the City adopt a resolution rescinding the condemnation action. This resolution will also be filed with the Register of Deeds.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution rescinding a previous resolution which set a hearing date to consider the condemnation of 212 S. Earl Street as dangerous and unsafe and return any insurance proceeds the City may have received.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider an amendment in the scope of work and budget for the Trident Partnerships LLC Community Development Block Grant.

Trident Partnerships LLC is rehabilitating six downtown buildings for the purpose of upper story housing and commercial use on the ground level. The building located at 106-108 North 8th has been awarded a Community Development Block Grant. The developer is requesting an amendment to the scope of work and budget. The developer has been in contact with the Kansas Department of Commerce and KDOC is agreeable to this request. Since the grant is awarded to the city on behalf of Trident Partnerships LLC, the formal request needs to come from the City of Independence with City Commission approval.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized the Mayor to sign the "Contract Amendment Request" for the Community Development Block Grant awarded to Trident Partnerships LLC for 106-108 North 8th.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

VI. REPORTS

- A. Report on RFP for a Tanker-Pumper

A recent structure fire highlighted a water supply issue in the southeast (SE)

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part of the city. Fire-EMS encountered inadequate water supply after connecting to two hydrants. With assistance from mutual aid, a five-inch supply line was laid from Maple Street and Park Boulevard to the 200 block of South Edison Street to provide sufficient water for fire suppression. Following this incident, an after-action review was conducted, and Fire-EMS collaborated with the Public Utilities Department to examine the water supply infrastructure in the SE part of Independence.

This area, located south and east of Main Street and Park Boulevard, relies on aging infrastructure consisting of four-inch water supply lines that taper down to two-inch lines deeper into the SE corner of the city. The primary twelve-inch supply line runs south from Park Boulevard and Main Street to Birch Street before branching into smaller lines as it continues south to Edison St. The significant distance from the primary supply line and the zig-zagging street layout in the SE area make it challenging to deploy a five-inch supply line to support pumper trucks effectively.

To address this issue, Independence Fire-EMS recommends allocating \$200,000 from CIP funds to purchase a pumper tanker with a minimum capacity of 3,000 gallons. This tanker would provide a reliable water source for pumper trucks during structure fires in areas with limited water supply. The department is confident it can acquire a suitable used vehicle to meet these operational needs.

Prior to the incident in October, the CIP for 2025 included plans to replace the 2018 Transit Van Ambulance, which currently has 160,000 miles, as well as to purchase a new pumper engine in late 2026 or early 2027, following the completion of the final Tower lease payment in spring 2026.

B. Engineering and Public Works Report

Engineer Garris presented the report.

C. Admin and Housing Report

City Manager Passauer and Director of Housing Authority Nutt presented their respective reports.

D. City Board Minutes

VII. CITY MANAGER'S COMMENTS

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City Manager Passauer and Director of Housing Authority Nutt presented a campaign for parking in downtown.

City Manager Passauer noted that 1201 W Pine was abated and thanked the public works crew for their hard work, City Hall will be closed Christmas Day and Christmas Eve and sanitation routes will be pushed back a day after Christmas.

VIII. COMMISSIONERS' COMMENTS

None.

IX. PUBLIC CONCERNS

None.

XI. ADJOURNMENT

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

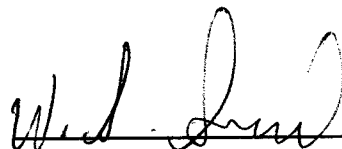
Nay: None



Tim Emert, Mayor



Dean A. Hayse, Commissioner



Scott Smith, Commissioner

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Attest:

A handwritten signature in black ink, appearing to read "David Schumacher", written over a horizontal line.

City Clerk/Treasurer